

**REMARKS**

In the Office Action, the Examiner indicated that claims 1-13 were pending in the application and the Examiner rejected all claims. No new matter is included in this response. The Examiner's rejections are traversed below.

**The 35 USC §103(a) Rejection:**

At page 2 of the Office Action, claims 1-13 are rejected under 35 USC § 103(a) as being unpatentable over U.S. Patent 5,745,463 to Maegawa et al. in view of U.S. Patent 5,249,172 to Hagihara et al.

The Examiner admits that Maegawa et al. does not disclose that "the level of write power increases with increasing size of the present mark to be recorded." The Examiner asserts that such feature is disclosed in Hagihara et al., referring particularly to col. 4, line 18- col. 5, line 15, of Hagihara et al.

Even if the references are properly combinable, as asserted by the Examiner, Hagihara et al. does not disclose that "the level of write power increases with increasing size of the present mark to be recorded," as recited in claim 1. As stated at col. 5, lines 4-10, of Hagihara et al., the laser power is gradually increased according to a displacement of a track from track 1 of the disk and does not increase "with increasing size of the present mark to be recorded," as recited in claim 1.

Further, as noted at col. 5, lines 11-15 of Hagihara et al., "[t]he aim of the writing level seek mode is to find a most optimum level of the laser power at the inside circumference of the disk at the detected temperature, so as to produce pits P of an appropriate size, such as pits P with a duty cycle ratio of 50%." Thus, Hagihara et al. is related to producing pits of about the same size, not to "controlling a level of write power of the laser diode in accordance with a size of a present mark to be recorded on the recording medium and a size of at least one of a leading space of the present mark to be recorded and a trailing space of the present mark to be recorded," as recited in claim 1.

Further, while both Maegawa et al. and Hagihara et al. are related to recording information on disk using a laser, the nature of the information recorded and the manner in which the information is recorded are substantially different. The disclosure of Maegawa et al. relates to recording marks of different lengths in a form of digital data whereas the disclosure of Hagihara et al. relates to recording an analog signal, specifically representing a luminance

source signal and a chrominance signal as a sum signal, by frequency modulation. Thus, even if the two disclosures were combined, the combination of disclosures would not result in the present invention.

Claims 2 and 3 are deemed to be patentable at least for similar reasons set forth above regarding claim 1.

Regarding claim 4, the Examiner states that Maegawa et al. do not disclose that the level of write power increases with increasing size of the present mark to be recorded. The Examiner asserts that this feature is taught by Hagihara et al., referring particularly to col. 4, line 18-col. 5, line 15, of Hagihara et al. For reasons set forth above with regard to claim 1, it is respectfully submitted that Hagihara does not disclose that "the setting level of the write power increases with increasing mark size," as recited in claim 4.

Claim 5 is deemed to be patentable at least for similar reasons set forth above regarding claim 4.

Regarding claims 6-13, the Examiner does not appear to be relying on any portion of Hagihara et al. or asserting any other issues concerning a 35 U.S.C. §103(a) rejection; thus the rejection under 35 U.S.C. §103(a) is improper. Applicants respond thereto as if the rejection had been made under 35 U.S.C. 102(b) as being anticipated by Maegawa et al.

Regarding claim 6, the Examiner asserts that Maegawa et al. discloses "increasing power of overwrite pulses in accordance with a size of a present mark of the input data and a size of at least one of a leading space of the present mark and a trailing space of the present mark," referring particularly to col. 8, lines 20-40 of Maegawa et al. No mention is made in this portion of "increasing power of overwrite pulses in accordance with a size of a present mark of the input data and a size of at least one of a leading space of the present mark and a trailing space of the present mark," as recited in claim 6.

Regarding claim 7, Maegawa do not disclose "a discriminator which discriminates at least one of a mark size and a relationship between preceding and following spaces of input data and accordingly sets a power level which increases according to the mark size based on the discriminated mark size."

Regarding claim 8, although a table of the application, FIG. 5, shows different values of write power to be tried in a trial writing mode, there is no disclosure of any correlation between the power levels in FIG. 5 and a mark size of the input data.

Claim 9 is deemed to be patentable at least for similar reasons set forth above regarding claim 8.

Claim 10-13 are deemed to be patentable at least for similar reasons set forth above regarding claims 7 and 8.

**CONCLUSION**

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.


Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

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